

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,
Plaintiff,
v.
EMC CORPORATION, et al.,
Defendants.

Case No.: C 04-2660 JW (PVT)

**AMENDMENT TO STIPULATED
PROTECTIVE ORDER (RE
ELECTRONIC INFORMATION)**

On June 6, 2005, Plaintiff David Halterman and Defendant EMC Corporation filed a "Stipulated Protective Order re: Electronic Information."¹ Based on said stipulation, and the file herein, the court finds it appropriate to issue this order to govern the handling of confidential Electronic Information. (As used herein, "Electronic Information" means information stored on any electronic media, including CDs, DVDs, and any other electronic storage device.)

IT IS HEREBY ORDERED that the procedure for designating Electronic Information "Confidential" under the Stipulated Protective Order as Modified by the Court, filed herein on December 3, 2004, (the "Protective Order") shall be as follows. The designating party shall give written notice to all other parties specifying as precisely as reasonably possible which Electronic

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

Information it is designating “Confidential.” At a minimum, the notice shall specify the specific CD, DVD, or other electronic storage device where the Confidential information can be found, as well as the exact file name for the file containing the Confidential information. The parties shall take reasonable steps to label each CD, DVD, or other electronic storage device that contains Confidential information with a notice that some or all of the information thereon is designated Confidential.² It is incumbent on counsel to verify whether or not Electronic Information has been designated Confidential before disclosing it to persons not entitled to see Confidential information under the terms of the Protective Order.

IT IS FURTHER ORDERED that, with regard to any Electronic Information that has already been produced, the designating party shall give all other parties the above-mentioned written notice within three weeks after entry of this order. During that time period, all Electronic Information that has already been produced shall be treated as “Confidential” by the parties.

IT IS FURTHER ORDERED that Plaintiff shall not retain in his possession any Electronic Information that has been designated Confidential, and shall access such Electronic Information only at his attorneys’ offices. Nothing herein shall preclude Plaintiff from taking out of his attorneys’ offices copies of Electronic Information that has *not* be designated Confidential.

IT IS FURTHER ORDERED that, in the event any party submits Confidential Electronic Information to the court for any purpose, or marks such Electronic Information as an exhibit at any deposition, that party shall, within 24 hours, notify the designating party in writing of the specific CD, DVD or other electronic storage device on which the information can be found, as well as the exact file name of the file containing the information. (If the information is printed out and submitted or marked in paper form only, the Confidential pages shall be marked “Confidential” and the written notice need not be given unless requested.)

Dated: 6/9/05

/s/ Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge

² Depending on the form of electronic storage used, and the difficulty in labeling it, the notice may be as simple as a notation in red to the effect of “See [name] letter of [date].”